

R E M A R K S

In view of the Amendment filed on February 11, 2008, the rejection of claims 1, 3, 8, 11, 12 and 14 under 35 USC 103 in view of the combination of USP 6,700,674 ("Otsuka et al") and USP 6,850,757 ("Watanabe et al") has been withdrawn.

However, claims 1, 3, 8, 11, 12 and 14 have now been rejected under 35 USC 103 as being obvious in view of the combination of Otsuka et al and USP 6,993,563 ("Lytle et al").

This rejection is also respectfully traversed, and reconsideration of this application is respectfully requested.

Independent claim 1 recites a facsimile apparatus comprising: a communication section which performs image data communication by transmitting a mail indicating image data via a mail transmission system; a user operable section which is operable by a user to designate the mail as important, and which writes an important mail flag in the mail when the user designates the mail as important via the user operable section when the user requests transmission of the image data; and a printer.

In addition, according to claim 1 the facsimile apparatus comprises a determining section which, if a delivery confirmation mail, which notifies whether delivery of the mail has succeeded or failed, has arrived, determines whether the delivery confirmation mail notifies a delivery failure or a delivery

success of the mail transmitted from the communication section, wherein the delivery confirmation mail includes the important mail flag if the important mail flag is written in the mail transmitted by the communication section.

Still further, according to claim 1 the facsimile apparatus comprises a control section which causes the printer to print an image based on the delivery confirmation mail if at least one of: (i) the important mail flag is included in the delivery confirmation mail and (ii) the determining section has determined that the delivery confirmation mail notifies the delivery failure, and which causes the printer not to print an image based on the delivery confirmation mail if both: (i) the important mail flag is not included in the delivery confirmation mail and (ii) the determining section has determined that the delivery confirmation mail notifies the delivery success.

As recognized by the Examiner, Otsuka et al discloses a mail flag 13g. However, according to Otsuka et al, the mail flag 13g is merely a flag that is turned on to indicate that facsimile transmission via the internet has been attempted. See the disclosure in Otsuka et al at column 11, lines 57 and 58, and at column 16, line 38 through column 17, line 32. It is respectfully pointed out, moreover, that the flag 13g of Otsuka et al is not written in a mail and is not included in a delivery confirmation mail, but rather is set in the RAM 13, which is

clearly disclosed by Otsuka as being a component of the facsimile apparatus 1. See Fig. 6.

Significantly, the mail flag 13g of Otsuka et al is turned on after attempting to send the facsimile transmission via the Internet. See column 16, lines 63-66 ("When facsimile data does not correctly arrive at a receiver even though facsimile communication has thus been repeatedly attempted via the internet (S460: YES), the mail flag 13g is turned ON (S470)"). See also column 17, lines 23-32 ("when facsimile data has not correctly arrived at the addressee even though the facsimile communication via the internet has been repeated (S460:YES), as described above, the mail flag 13g is turned ON (S470)").

Thus, Otsuka et al clearly cannot disclose or suggest that the mail flag 13g can be set by a user to designate a mail as important when the user requests transmission of image data as recited in claim 1 (i.e., at the time that the user is requesting transmission, before transmission begins). In fact, the mail flag 13g of Otsuka et al is used during internal processing after transmission of the facsimile has been attempted, to indicate that the transmission via the Internet has been attempted.

Moreover, since according to Otsuka et al the mail flag 13g is written in the RAM 13 of the facsimile apparatus 1, Otsuka et al clearly does not disclose or suggest that the mail flag 13g is written in the mail as recited in claim 1.

Indeed, the Examiner appears to acknowledge on page 4 of the Office Action that Otsuka et al does not disclose writing an important mail flag in accordance with a user operation, or writing an important mail flag in the mail, as recited in claim 1. For this reason, the Examiner has cited Lytle et al to supply the missing teachings of Otsuka et al. (Lytle et al is addressed in more detail below.)

Nevertheless, the Examiner asserts on page 3 of the Office Action that according to Otsuka et al the delivery confirmation mail includes the important mail flag if the important mail flag is written in the mail transmitted by the communication section, as recited in claim 1.

However, as explained above, the mail flag 13g is written in the RAM 13 of the facsimile apparatus 1 according to Otsuka et al. Clearly, therefore, the mail flag 13g of Otsuka et al is not in the delivery confirmation mail as asserted by the Examiner.

Moreover, it is respectfully pointed out that according to claim 1, the control section causes the printer to print an image based on the delivery confirmation mail if at least one of:

(i) the important mail flag is included in the delivery confirmation mail and (ii) the determining section has determined that the delivery confirmation mail notifies the delivery

failure, and which causes the printer not to print an image based on the delivery confirmation mail if both: (i) the important mail flag is not included in the delivery confirmation mail and (ii) the determining section has determined that the delivery confirmation mail notifies the delivery success.

That is, the control section recited in claim 1 controls printing an image based on the deliver confirmation mail based on whether or not the important mail flag is included in the delivery confirmation mail and based on whether the determining section has determined that the delivery confirmation mail notifies delivery failure or delivery success.

As noted above, Otsuka et al clearly does not disclose, teach or suggest that the mail flag 13g thereof is included in the delivery confirmation mail. Accordingly, it is respectfully submitted that Otsuka et al also clearly cannot disclose or suggest the control section recited in independent claim 1.

By contrast, Otsuka et al merely discloses outputting a message indicating that transmission of a facsimile could not be performed through either a public communication switched network or through the internet even though transmission by both networks has been attempted as indicated by the mail flag 13g and the telephone flag 13f in the RAM 13 of the facsimile apparatus 1. See column 17, lines 2-7.

It is respectfully submitted that outputting a message in this manner according to Otsuka et al clearly differs from the operation of the control section as recited in claim 1.

With respect to Lytle et al, which has been cited as disclosing writing an important mail flag in the mail in accordance with a user operation, the Examiner relies on Figs. 21 and 28 of Lytle et al, and the disclosure at column 28, line 56 to column 29, line 3 of Lytle et al.

It is respectfully submitted, however, that Fig. 21 of Lytle et al merely illustrates the fields that a user may select when creating a custom form for email messages. And as recognized by the Examiner, "Importance" is one of the fields available to be added to a custom form. Fig. 28 of Lytle et al illustrates a message in which "Importance" has been set to "Normal."

It is respectfully pointed out, however, that even though the Examiner refers to mail flag 13g of Otsuka et al as an "important mail flag" as recited in claim 1, the mail flag 13g of Otsuka et al does not designate a mail as important. Instead, the mail flag 13g merely designates that transmission via Internet has been attempted/performed.

It is respectfully submitted, therefore, that even if the teachings of Lytle et al were combined with Otsuka et al, the logical result would not be to provide the mail flag 13g in a message, in the manner of the Importance field of Lytle et al.

That is, it is respectfully submitted that it would not be logical to suggest that a mail flag used to track in a facsimile apparatus whether transmission has been attempted by the Internet (as disclosed by Otsuka et al) would be written in the message being transmitted.

Indeed, as noted above, in order for the mail flag 13g of Otsuka et al to perform its desired function, it must be set after transmission of the message. That is, the mail flag 13g of Otsuka et al indicates to the facsimile machine 1 that Internet transmission has been performed/attempted, after a predetermined number of attempts have been made (column 16, lines 63-66, for example). Clearly, such a flag cannot be written in the mail before the mail is transmitted.

It is respectfully submitted, therefore, that the logical combination of Lytle et al with Otsuka et al would not result in the mail flag 13g of Otsuka et al being written in a mail/message.

Still further, it is respectfully pointed out that Lytle et al does not disclose processing performed in connection with the Importance field thereof. And it is respectfully pointed out that Lytle et al does not disclose that if the Importance field is set in a message, that a delivery confirmation mail will include an important mail flag, as according to the present invention as recited in claim 1.

Therefore, it is respectfully submitted that even if an Importance field were added to a message transmitted according to Otsuka et al, the resultant combination would not logically achieve the structure recited in independent claim 1. That is, Otsuka et al uses the mail flag 13g in the RAM 13 to determine whether Internet transmission has been attempted, and the Importance field of Lytle et al does not relate to the mail flag 13g of Otsuka et al. In addition, it is respectfully submitted that even if Otsuka et al were modified in view of Lytle et al to have an Importance field, the device disclosed by Otsuka et al would logically still use the mail flag 13g in the manner disclosed by Otsuka et al. And still further, it is respectfully submitted that neither Lytle et al nor Otsuka et al discloses performing processing based whether or not an important mail flag is present in a delivery confirmation mail in the manner of the control section recited in independent claim 1.

Accordingly, it is respectfully submitted that even if Otsuka et al and Lytle et al were combinable in the manner suggested by the Examiner, the resultant combination would not achieve or render obvious the structure recited in independent claim 1.

In addition, in a similar manner to that explained above with respect to claim 1 it is respectfully submitted that even if Otsuka et al and Lytle et al were combinable in the manner

suggested by the Examiner, the resultant combination would not achieve or render obvious the method and structure recited in independent claims 8 and 12.

In view of the foregoing, it is respectfully submitted that the present invention as recited in amended independent claims 1, 8 and 12, and claims 3, 11 and 14 respectively depending therefrom, clearly patentably distinguishes over Otsuka et al and Lytle et al under 35 USC 103.

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Allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned for prompt action.

Respectfully submitted,

/Douglas Holtz/

Douglas Holtz
Reg. No. 33,902

Frishauf, Holtz, Goodman & Chick, P.C.
220 Fifth Avenue - 16th Floor
New York, New York 10001-7708
Tel. No. (212) 319-4900
Fax No. (212) 319-5101

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